

Remarks

The October 26, 2004 Office Action raised an informality with respect to the preliminary amendment, noted two concerns with respect to the information disclosure statements, raised several objections to the drawings, objected to claims 22 and 33 as failing to further limit subject matter, objected to claim 46 for written description concerns (but not art concerns), objected to claims 31-32 and 41-43 for indefiniteness, found claims 1-12, 15, 17, 19-23, 28-30, 31, 33-40, 44, 45 and 47 anticipated, found claims 13, 14, 16, 18, 32 and 41-43 obvious, and found claims 24-27 to contain allowable subject matter.

1. No claim 48 was submitted and the Office Action correctly ignored the remarks relating thereto.

2. The Office Action objected to a purported fourth reference on page 2 of the July 8, 2003 IDS. However, actually there was no fourth reference on that page. Rather, the portion of that page that apparently is being referred to was additional spill-over description of the material used in the third reference's wipe. Thus, no further supplementation should be required with respect thereto.

3. The Office Action correctly notes that U.S. patent 5,630,243 was incorrectly cited a second time. Only the first citation was required.

4. The objection with regard to numeral 33 in paragraph 4 of the Office Action is respectfully traversed. That numeral does already appear in paragraph [0123] of the specification.

With respect to numeral 27, that numeral has now been added to paragraph [0089]. Hence, the paragraph 4 drawing objection is believed to be addressed by a specification amendment (rather than amendment of the drawings).

5. In response to paragraph 5 of the Office Action, the switchback designation 56 has been changed in the drawing and specification to 57 to avoid use of 56 to refer to two different structures. Attached is a replacement sheet for the drawing 6/9, together with a red line showing the proposed change.

6. The drawing objections in paragraph 6 of the Office Action are responded to as follows:

(a) The Office Action indicated a concern regarding whether five external sides of the brush head had been depicted in the drawings. Fig. 16 shows a top side, left side, and front side of a brush head. Fig. 2 shows a rear side and right side. Hence, five external sides are already shown in the drawings, and these could be the five which don't have the surfactant in one embodiment.

(b) With respect to claim 46's use of "aperture", depiction of apertures are not necessary to an understanding of this feature.

7. Claim 22 has been canceled without prejudice, and claim 33 has been further narrowed (with a claim 35 feature) to emphasize that the wand is curved. A conforming change is made to claim 35. This makes claim 33 even narrower, and clearly narrower than the claim that it depends from. This also renders the Rule 1.75(c) objection moot with respect to claim 22.

8. Claim 10 is dependent on claim 3 and claim 3 does use the term "opposed end". Thus, that original claim 10 had an antecedent basis for the language it used. Nevertheless, to facilitate allowance, Applicants have further clarified claim 10 to indicate that the language refers to the opposed end of the stack.

9. With respect to claim 46, the Office Action asserts that the specification does not describe an abrasive layer of the water-degradable material being apertured. This finding is respectfully traversed.

In addition to the description in paragraph [0117], the specification also notes in paragraph [0020] that:

...Suitable materials are available from Ahlstrom Corporation under the tradenames Hydraspun 784 Flushable Wipes, Hydraspun 8553 Flushable Wipes, Hydraspun 1280 Flushable Wipes, and Hydraspun 1280 Flushable Wipes Apertured Grade. The last of these materials is a somewhat more abrasive material than the other three....
[emphasis added]

Further, paragraph [0117] of the specification itself states:

Yet another alternative embodiment (not shown) is to facilitate scrubbing by including an abrasive in the impregnating chemical, or by using as some of the outer plies a different material having a more abrasive nature. In this regard, one could place the Hydraspun Apertured Grade in the outside layers, and the Hydraspun other wipes in the internal layers. [emphasis added]

Hence, the specification expressly describes the desirability of using apertured material, specifies that the material is best used on the outside layers, and indicates that such material adds abrasiveness. Thus, the written description requirement is believed adequately addressed.

10. With respect to the § 112 indefiniteness objections:

(a) The objected to phrase in claim 31 "if such a brush head is clamped by the jaw" has been deleted.

(b) With respect to the definition of "agitation-degradable", this objection, as well as the indefiniteness

rejection specific to claim 42, have now been rendered moot by the cancellation of claims 41-43.

Art Rejections

Claims 1, 22 and 37-43 have been cancelled without prejudice, rendering art rejections with respect to them moot. The amendments to claim 2 find basis in the specification as originally filed; for example, at paragraphs [0022], [0025], and [0029-0030].

11, 19, 20. With specific reference to Treacy, the 2004/0129296 publication is not available as prior art, as such. Applicants' filing date is July 8, 2003. This pre-dates the U.S. filing date of U.S. patent application publication 2004/0129296. While that application was a CIP of an earlier application, only the common content of the earlier application is available as art. See its publication as PCT/AT00/00235 on August 30, 2000 (see also the translation reflected in U.S. patent 6,745,427) for a clarification of the common subject matter.

Many of the features relied on for rejections in the Office Action by referring to teachings of the 2004/0129296 publication are not present in the earlier priority case. Thus, the degree of reliance on the Treacy publication was inappropriate. For example, the earlier Treacy publication relied on rolled up paper, with a sleeve band around the back end of the roll. The earlier Treacy publication did not include reference to folded configurations, and in any event did not include the [0053] language from Treacy 2004/0129296.

12. Claims 1-2, 7-9, 11-12, 23, 29, and 33-40 stand rejected under 35 USC 102(b) as being anticipated by Federico. Claims 1 and 37-40 have been cancelled. Independent claim 2 and its dependent claims 3, 7-9 and 11-12 require "a plurality of layers... positioned on top of each other to form a stack of such layers, wherein at least two of the layers are formed

from a sheet of the water-degradable material that has folded back upon itself." The examiner states that the Federico reference shows layers forming a stack that has been folded back upon itself. Specifically, the examiner states about Federico, "There are layers 12 and 13, wherein 12 is folded upon itself, see Figure 6B." The examiner also stated, "The brush head is of a single piece of material (Column 4 Lines 28-29) that has been repetitively folded back upon itself in accordion fashion (see Figure 6B)." However, column 4, lines 28-30 of Federico actually read, "The cleaning pad, Fig. 6, is made of a biodegradable paper. It is a double-wall, double-envelope, 12, anchored in its center by a heavier biodegradable paper "tongue," 13." Simply stating that the pad is made up of a biodegradable paper does not necessarily mean it is made up of a single piece of material. Further, a closer study of figure 6B of Federico shows that layer 12 is not actually folded back on itself in accordion fashion. Figure 6b is a cross section of the cleaning head. This figure shows four separate walls without folds. If the material were folded on itself, then the bottom of figure 6B would show only two humps instead of four. Further, the brush head being made of only a single piece of material, repetitively folded back on itself in accordion fashion, is also inconsistent with figures 6B, C and D which show tongue 13 bisecting the brush head. Recall that tongue 13 is made of a heavier paper than the brush head walls (column 4, line 30). Therefore, Federico fails to show a plurality of layers with layers being folded back upon itself.

Claim 23 has been amended to clarify that there are two moving portions to the jaw. This amendment finds support in the specification as originally filed, for example, at paragraph [0093] which describes upper and lower jaws. In contrast, Federico's device has only one moveable jaw, making a less secure system. Therefore, claim 23 and its dependent

claims 29, 33-37 are distinguishable from Federico. Accordingly, withdrawal of this 102(b) rejection is requested.

13. Claims 1, 7-8, 37-38 and 45 stand rejected under 35 USC 102(b) as being anticipated by Hagelberg. Claims 1 and 37-38 have been cancelled. Claims 7-8 and 45 now depend from claim 2. Claim 2 was not rejected over Hagelberg. Therefore withdrawal of this 102 rejection is requested.

14. Claims 1-4, 6, 12, 15 and 21-22 stand rejected under 35 USC 102(b) as being anticipated by Farrell. Claims 1 and 22 have been cancelled. Claim 2 is the only remaining rejected independent claim, and the other claims depend from claim 2. Claim 2 requires "a plurality of layers... positioned on top of each other to form a stack of such layers, wherein at least two of the layers are formed from a sheet of water-degradable material that has been folded back upon itself." In other words, one layer is made from at least one sheet folded back upon itself and then a subsequent layer is stacked on top of that layer. In contrast, figure 4 of Farrell shows a stack of sheets with the ends of all of the sheets being folded inward together as a group. If figure 4 were to be construed as one folded over layer, then it fails to meet the claim 2 requirement of a plurality of layers wherein at least two of the layers have been folded back upon itself. Accordingly, withdrawal of the 102 rejection over Farrell is requested.

15 and 16. Claims 13 and 14 stands rejected under 35 USC 103 as being unpatentable over Hagelberg. Claim 13 has been amended to depend from claim 2. Claim 2 has not been so rejected. Thus, withdrawal of the 103 rejection over Hagelberg is requested.

17. Claims 16 and 41-43 stand rejected under 35 USC 103(a) as being unpatentable over Treacy in view of Manning. As discussed earlier, the Treacy reference is not appropriate

prior art. The Manning reference is not directed to a brush head. Therefore, withdrawal of this rejection is requested.

18. Claims 16 and 42-43 stand rejected under 35 USC 103 as being unpatentable over Farrell in view of Manning. Claims 42-43 have been cancelled. Claim 16 has been amended to depend from claim 2 which has not been so rejected. Accordingly, withdrawal of this rejection is requested.

21. Claims 24-27 were objected to as being dependent upon a rejected base claim. Claim 24 has been rewritten in independent form, thereby rendering it allowable. Its dependent claims 25-27 are also thereby rendered allowable.

Conclusion

In view of the above amendment and remarks, reconsideration is respectfully requested. Since there are now fewer independent claims than previously paid for, no additional fees are believed necessary for entry of this amendment apart from the one month extension fee which is hereby authorized. All required fees should be charged to Deposit Account 10-0849.

Respectfully submitted,

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